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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,373	07/08/2003	Eitan Rosen	42P6380C	2337

7590 08/02/2004

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EXAMINER

DU, THUAN N

ART UNIT

PAPER NUMBER

2116

DATE MAILED: 08/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/616,373	ROSEN, EITAN
	Examiner	Art Unit
	Thuan N. Du	2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 08 July 2003.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 26-50 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 26-32 and 41-43 is/are rejected.

7) Claim(s) 33-40 and 44-50 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 08 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/8/03.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

**DETAILED ACTION**

1. It is hereby acknowledged that the following papers have been received and placed of record in the file: IDS (dated 7/8/03) and Preliminary Amendment (dated 11/14/03).
2. Claims 26-50 are presented for examination.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 26-32 and 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorny (U.S. Patent No. 5,642,061)<sup>1</sup>.

5. Regarding claims 26 and 27, Gorny teaches a device comprising:  
a clock circuit to receive an input clock signal (502) and an enable signal (310) and to generate a pre-charge pulsed clock signal and an evaluate pulsed clock signal based on the input clock signal and the enable signal, to pre-charge and evaluate a circuit respectively [col. 7, line 62 to col. 8, line 8; col. 8, lines 19-21]; and

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<sup>1</sup> U.S. Patent No. 5,642,061 was submitted by applicant on 7/8/03.

a pre-charge circuit coupled to the clock circuit to receive the pre-charge pulsed clock signal (314) and the enable signal (310) to pre-charge the circuit, while the circuit is not being evaluated via the evaluate pulsed clock signal [col. 5, lines 33-41, 65-67],

wherein the enable signal (310), when at logic high, causes the pre-charge circuit to continue pre-charging the circuit regardless of states of the pre-charge pulsed clock signal [col. 5, lines 22-28].

Gorny does not explicitly teach the enable signal is activated and/or de-activated. However, one of ordinary skill in the art would have recognized that it would have been obvious for a signal to be de-activated at one logic state and activated at another logic state.

6. Regarding claims 28-32, claims 28-32 are directed to apparatuses implementing the apparatus for performing a pre-charge and an evaluation using pulsed clock signals of claim 26. As stated above, Gorny teaches the invention substantially as set forth in claim 26. At the time of the invention, one of ordinary skill in the art would have readily recognized that Gorny may also teach the implementations of claim 26 as set forth in claims 28-32 [col. 8, lines 9-20]. As such, claims 28-32 are rejected under same rationale with respect to claim 26.

7. Regarding claims 41-43, since they recite method of operating of the apparatus defined in the apparatus claims, they are rejected accordingly based on the rejection of the apparatus claims.

***Allowable Subject Matter***

8. Claims 33-40 and 44-50 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (703) 308-6292. The examiner can normally be reached on Monday-Friday: 9:00 AM - 5:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (703) 308-1159.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

The fax number for the organization is (703) 872-9306.



Thuan N. Du  
July 23, 2004

**Best Available Copy**